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administrative officials, and the public, and the whole is thrown upon a background of almost daily correspondence with his wife. Often a dramatic effect is produced which reminds one of Browning's *The Ring and the Book*; so artistic as to seem the result of art, but in reality merely the art of time, which the historian of today so often ignores. No collection relating to an American public man gives so interestingly a picture of an individual career. The time-limitation, April 22, 1860—March 31, 1868, will disappoint those interested in the later period, but it was certainly better to publish more fully for five years, than to spread out at the expense of completeness.

The interest of the collection is, of course, suggested by Butler's career, but is greater than the average memory of that career suggests. The letters of the summer of 1864 constitute probably the best mass of material existing on the dissatisfaction with Lincoln. Those of the spring of 1865 give more intimate matter on the relations of the extreme radicals with Johnson, than any other one collection. The letters of Frank Blair and of Salmon P. Chase are of general national importance. The collection also gives unusual material for the study of administration during war time: few problems escaped Butler's attention.

Naturally, there is a disproportionate amount of a controversial character, for Butler breathed verbal pugnacity. Much of the material here is old, but sufficient new is added, to require attention, and the combination of it all gives a somewhat changed perspective. No one will venture in the future to accuse Butler of stolen spoons. No one can maintain that his chief purpose was gain, nor will any but the most suspicious continue to hold that he engaged in surreptitious financial undertakings at the expense of the government. The "wisest and best" will have to admit that in his controversy with Governor Andrew he was mainly right, and Mr. Rhodes must revise his general estimate. As a co-operator, however, the very number of the controversies makes him stand self-condemned. While really extraordinary abilities are everywhere apparent, a character sound within its limits, and graced by many virtues, one feels throughout that one is not dealing with a gentleman. If a real Butler controversy remains, it will be as to whether Lincoln might have got more service out of him, or whether turbulence, vanity, and lack of depth condemned him for higher uses.

CARL RUSSELL FISH.

American State Trials: a Collection of the Important and Interesting Criminal Trials which have taken place in the United States from the Beginning of our Government to the Present Day. With Notes and Annotations by JOHN D. LAWSON, LL.D., Editor. Volumes VIII. and IX. (St. Louis: F. H. Thomas Law Book Company. 1917-1918. Pp. xxix, 913; xxvii, 917. \$5.00 each.)

THE last two volumes of this interesting and valuable series will be a welcome addition to any library. The greater part of volume VIII. is

occupied by the trials of the conspirators for the assassination of President Lincoln and of the German, Henry Wirz, for his brutality as superintendent of Andersonville prison. Both of these trials were before military commissions. Volume IX. contains the trial of John H. Surratt, those which resulted in the conviction of several members of the Ku-Klux-Klan, and the trials of the five bakers of St. Louis. The bibliography of the trials of the conspirators against Lincoln omits that published by T. B. Peterson and Brothers (Philadelphia, 1865), a reprint of the reports of the correspondents of the Philadelphia *Daily Inquirer*. From that of the trial of John H. Surratt is omitted the official report published by the Government Printing Office, in two volumes, in 1867.

The appendix to the Ku-Klux-Klan trials, giving the proceedings upon the attempt to disbar the counsel for one of the accused who had escaped, will be welcomed by every reader. The editor has not mentioned the fact that, after the Surratt jury had disagreed, Judge Fisher disbarred the prisoner's senior counsel, a man over sixty-five, for a threat of personal violence made out of court, pending the trial, by reason of discourteous conduct of the trial judge; nor the decisions of the Supreme Court setting aside the disbarment and dismissing the suit brought by the lawyer against the judge because of these proceedings. These are reported in two leading cases, *ex parte* Bradley, 7 Wallace 364, and *Bradley v. Fisher*, 13 Wallace 335.

There is a more serious fault, however, in both volumes, which it is to be hoped that the editor and publisher will not repeat. Should they do so, the value and reputation of the series will be greatly injured and so hurt the sales. Although *verbatim* reports of the proceedings in all these trials except two of little importance are easily available by those who take the trouble to search the public libraries throughout the country, nothing is here published except the speeches of counsel, the charges of the court, and meagre abstracts of the testimony. Many of the rulings upon points of evidence and practice are omitted. These omissions render the books of little value to the student of the art of advocacy, who seeks instruction in cross-examination, in what is equally difficult but rarely explained, direct examination, and in the by-play and altercation of counsel—things that are of far more importance than the speeches at the conclusion of the case, since in almost every instance the jurors have made up their minds before the closing arguments have begun. The speeches themselves cannot be fairly criticized; for without a knowledge of all the incidents of the trial no one can know the reasons for the failure to use certain arguments nor the force and appropriateness of the allusions. The student of language and of customs thus loses many invaluable illustrations which can be found in the words and descriptions of witnesses. The reports are thus made of little value to the historian, who is given the editor's deductions instead of the original documents. All who have had experience in appellate courts know that, when testimony is changed from question and answer

into narrative, it is impossible to form a sound judgment as to the veracity of the witnesses. Suggestions in leading questions, evasions of direct answers, alike disappear. A witness who has been entirely discredited in court may thus upon the printed page be made to seem truthful and conscientious. The fairness of the trial cannot be determined unless the remarks and rulings of the court throughout the case are spread upon the record. These often influence a jury much more than his concluding charge. It is because the records are printed *verbatim* that the English and Scottish *State Trials* are of such great value to the student and to the historian. It is to be hoped that in the *American State Trials* such omissions will not be repeated.

ROGER FOSTER.

The Life and Letters of John Fiske. By JOHN SPENCER CLARK
In two volumes. (Boston and New York: Houghton Mifflin
Company. 1917. Pp. xvi, 533; xi, 523. \$7.50.)

A LIFE of John Fiske has long been awaited by historians. When he died in 1901 he was the most successful American historian; but his fame has diminished with the years, partly through the natural corrosion of time and partly through the shifting of the standard of historical excellence. For Fiske's sake it would have been well if his biography had appeared earlier. It would also have been well if the task of writing it had been entrusted to a man better versed in history than Mr. Clark seems to be. It is a small and superficial view of Fiske's historical work that the author gives, evidently because he is chiefly interested in the philosophical and religious aspects of his subject. About these aspects he says much, not always convincingly, but always with warm admiration for the man who was his friend while living and remains his ideal after death. He lets us see that he considers the attempt to reconcile religion and science the most valuable of Fiske's efforts. The note of criticism is never present. He does not try to estimate the value of Fiske's historical work. He is content to tell a simple story, from which, in spite of much diffuseness in some parts and unexpected contraction in others, we nevertheless are able to make the following observations:

1. Fiske's personality stands out clearly. He was a precocious boy, the hope of his family and the delight of his teachers. As boy and man he was a fluent and persistent talker, full of enthusiasm for the interest of the moment, and his utterances were apt to be full of self-confidence and over-emphasis. He ever displayed faith in himself. At fifteen he wrote: "I cannot learn too much, nor take too high a niche in the Temple of Fame" (I. 76). Years later in describing his lectures in London he quoted Spencer as saying: "It was the most glorious lecture I ever listened to in my life" (II. 141); and again: "Huxley says they are the very best lectures he has ever heard at the Royal